

THE
C A S E
O F
John Emmerton
O F THE
MIDDLE-TEMPLE, Gent.

THat the said Mr. *Emmerton* and Mrs. *Bridget Hyde*, Daughter and Heir of Sir *Thomas Hyde* Baronet deceased, by Dame *Mary* his Wife (who was afterwards the Wife of Sir *Robert Vyner*, and now also Deceased) were upon the first day of *October* 1674. Lawfully Married together by one Mr. *Brandley* a Minister in Holy Orders, by and with the Free Consent and Direction of the said Lady *Vyner*, and at the Earnest desire of the said Mrs. *Bridget*, and according to the full intentions of her said Father Sir *Thomas Hyde*, all which the said *Bridget*, hath since frequently declared and acknowledged.

To prove the Marriage 4 Witnesses.
To the Lady *Vyners* consent 6 Witnesses and her Letter.
To Mrs. *Hydes* consent 14 Witnesses.
To Sir *Thomas Hydes* intention 3 Witn.

That the said Sir *Robert Vyner* was informed of the said Marriage upon the third of *January* 1674. and did then declare he was satisfied with the Reality of it. Yet he said, for other peoples satisfaction he would have some of the Witnesses that were present at the Solemnity come up to *London* and make Oath of it.

To this 3 Witnesses.

That Mr. *Edlyn* and Mr. *Brandly* (two of Mr. *Emmerton's* principal Witnesses did accordingly come up upon the Eleventh

A

of

To this 4 Witnesses.

To this 1 Witness
and Circumstances.

of *January* 1674. in *Barkhamstead* Coach, and nigh the end of *Graves-Inn Lane*, the said Coach was Beset by about Ten armed men, among whom was one *Christian* (then servant to the Earl of *Danby*) which said Company violently pull'd the said Mr. *Brandley* out of the Coach, (pretending a Warrant from Sir *Joseph Williamson* then Secretary of State) and Mr. *Brandley* then desiring a friend might go with him, one of the said Company Swore, that if any one stirred or offered to follow, he would Pistol him; and so they forcibly carried the said Mr. *Brandley* away, and tempted him with promises of 1000 *l.* (pressing 20 *l.* upon him) and terrifying him with threats of Ruining and Pistoling him, to force him to deny that he had Married the said Mr. *John Emmerton* to the said Mrs. *Bridget Hyde*.

That Mr. *Brandley* having never been in *London* before, and being thus threatned in a strange place, and fearing lest he should be Kill'd if he did not comply with them, did, when he was carried late that night before the King at *White-Hall*, and there Examined, Prevaricate in his Testimony concerning the said Marriage, the Earl of *Danby*, Sir *Joseph Williamson* and Sir *Robert Vyner* being then present: after which Examination Mr. *Brandley* was Committed to the Custody of one *Copley* a Messenger, and by him detained some dayes.

To this 4 Witnesses.

That Mr. *Brandley* being troubled in Conscience for what he had been forced to do, did get leave of the said Messenger to go out, and did then of his own accord go to Sir *Robert Vyner*, and confess he had Married the said Mr. *Emmerton* to the said Mrs. *Hyde*, and begged his pardon for so doing, and threw down the 20 *l.* (that had been forced upon him) bidding Sir *Robert Vyner* take it, for he could not in Conscience keep it.

To this 10. Witnesses.

That after the said practices upon Mr. *Brandley*, Mr. *Emmerton's* Wife was taken from all his Relations, and put into the hands of Strangers; who kept her so, that Mr. *Emmerton* could not speak with her since the death of her Mother the Lady *Vyner* to this day; and who by threats, promises and persuasions, and all other undue means, have endeavoured to divert her affections from her said Husband Mr. *Emmerton*.

The Records and 4
Witnesses.

That the Lord Chief Justice *Hale* upon the Examination of the evil practices aforesaid, did think fit to order a Tryal at Law at the *King's Bench Barr* in *Easter Term* 1675. where the only point in Issue was, Whether Mr. *Emmerton* was Lawfully Married to Mrs. *Bridget Hyde* or not, and the Jury were so well satisfied of the Strength and Validity of the Proofs and Evidence, that they gave a Verdict for the Marriage without going from the Bar, with the approbation of the said Court.

Proved by the acts of
that Court.

That Mr. *Emmerton* having Exhibited a Libel in the *Archies Court* of *Canterbury* the second of *March* 1674. for the Recovering



covering of his said Wife, the Judge of the said Court did declare (by Colour of an obsolete Canon) that his Witnesses that were at the Marriage were Excommunicated (*ipso facto*) for being at a Clandestine Marriage; and so put Mr. Emmerton to many long Debates, to great Charges and trouble before they could be Restored and absolved *ad testificandum* only: but as for Mr. Emmerton's Father and Mother (after four Termes Debate) the said Judge did utterly Refuse to absolve or admit them to be Witnesses at all in the said Cause: against which unjust and unlawful Sentence Mr. Emmerton Appealed to the *Delegates*; But they unjustly and Illegaly did Confirm the aforesaid Sentence, tho' Mr. Emmerton's Council did pray that his Father and Mother might be only examined (*de bene esse*) and to be believed as they should see Cause, and as they agreed or Contested with other Witnesses when the Examinations should be published.

That since the said Sentence, the said Mr. Emmerton's Father is Dead, and his Mother is very Sickly and Antient, so that by the said Sentence he hath utterly lost the Testimony of his Father, and will in all Probability lose the Testimony of his Mother (if he should have further occasion to use her) who both of them were the most Material Witnesses, not only to prove the said Marriage, but also the Lady Vyner's desire and consent to and for the said Marriage.

Proved by 4 Witnesses.

That the said Judges *Delegates* did Retaine the said Cause before them till the 12th day of July 1680. at which time it was finally heard. And altho' Mr. Emmerton lost the Testimony of his Father and Mother, and many of the most Material Articles of his Allegations were rejected, and all his Kindred admitted to Testifie only *Sub omnibus Limitationibus*, and the many other hardships were put upon him; yet he made so Clear a proof of his said Marriage, that the said Judges *Delegates* did give a Sentence for the same.

Proved by the acts of Court.

That notwithstanding the Verdict at Law and Judgement, Execution and Possession thereupon had, yet the Lord High Chancellor of England upon a Bill filed in that Court by the said Mrs. Bridget without over-ruling Mr. Emmerton's Plea thereunto (which he doth still refuse to hear) did order the Rents of the Estate in Question in the said Suite, to remaine in the Tenants hands till a Sentence should be given before the *Delegates*: And since the said Sentence, his Lordship hath ordered the said Rents in Arrears to be brought into Court, declaring that he will allow the said Mrs. Bridget 1000 *l. per Annum* (which is half the yearly Revenue) during the Dependance of a Commission of Review which hath been granted her after almost six years Suite (and a Sentence) before the *Delegates*, and Expence of about 6000 *l.* so that Mr. Emmerton can have no fruit of his said Verdict at Law, or said Sentence.

Proved by the Orders of that Court.

That

Proved by the acts
of the said Court.

That altho' she was obliged to plead all new matter upon her Commission of Review, and prove all by the 26th of *October* 1680. yet she did not Exhibit any Allegation till the 9th of this Instant *November*: and altho' the Allegation consisted of such matter as ought not to be admitted by Law, yet the Bishops and Civilians Impowred by the said Commission of Review then present, did admit it all, and gave her further time to prove (*viz.*) to the First day of next Term.

So that by these tedious delays (not knowing but this Suit may last some years longer) and by these vast expences Mr. *Emmerton* is put to, having spent about 6000 *l.* in this Suit, and being debarr'd from Receiving any Rents and profits of the premises by the Lord Chancellors order as aforesaid, by such like unjust and unreasonable doings Mr. *Emmerton* is like to be utterly undone and Ruined.



